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| 09/830,007 | 04/20/2001 | Gregory Michael Orme | GRIHAB P09AU | 9400 |
| 7590 08/13/2009 | | | | |
| Davis & Bujold Fourth Floor 500 North Commercial Street Manchester, NH 03101-1151 | | | EXAMINER SHIPERAW, ELEN A | |
| | | | ART UNIT 2436 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/830,007

Applicant(s)

ORME, GREGORY MICHAEL

Examiner

ELENI A. SHIFERAW

Art Unit

2436

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 13-24 are pending.
2. The examiner considers the preliminary amendment filed on 04/20/2001 (replacing claims 1-12 with claims 13-24).
3. The examiner called the firm, on August 10, 2009, hoping to solve the mailing address problem; however the phone number in file is not in service.

Response to Amendment

4. The petition for revival of an application for patent abandoned unintentionally under 37 CFR 1.137(b) filed on 3/16/2007 has been granted on 04/16/2007.
5. The request for withdrawal as attorney or agent and change of correspondence address filed on 6/15/2007 has not been approved, by the Office on 6/5/08, because a grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The request cannot be approved because the attorneys of record were not appointed by Customer No. 20210.
6. The Notice of Abandonment mailed on May 9, 2008 is withdrawn. The amendment(s) faxed on **03/16/07** is/are herein considered.

Response to Arguments

7. Applicant's arguments filed on 03/16/2007 have been fully considered but are not persuasive.
Regarding applicant's argument "The office action refers to claims 13-24 though I had thought the numbers of the claims were 1-12, as they appeared with this numbering in the PCT. *I am*

withdrawing all these claims and presenting new claims below. I am acting Pro Se in this case. I

only recently discovered the patent application had become unintentionally abandoned," **remark**

filed on 03/16/2007 page 5, argument is not persuasive because:

- Even though, the PCT filed on 04/20/2001, recites claims 1-12, applicant requested to cancel claims 1-12 and replace them with new set of claims 13-24 on the same day (04/20/2001), as shown below.

09/830007

532 Rec'd PCNPTO 20 APR 2001

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|----------------------|---|--|
| In re Application of | : | Gregory Michael ORME |
| Serial no. | : | |
| Filed | : | an effective filing date of October 21, 1999 |
| For | : | A METHOD OF COMPRESSING DATA AND |
| | : | COMPRESSIBLE DEVICES |
| Group Art Unit | : | |
| Examiner | : | |
| Docket | : | GRIHAB P09AUS |

The Commissioner of Patents and Trademarks
Washington, D.C. 20231

FIRST PRELIMINARY AMENDMENT

Dear Sir:

By way of preliminary amendment, please amend the above identified application as set forth below.

In the Claims:

Please cancel original claims 1-12, as well as any Chapter II amended claims, in favor of new claims 13-24 as follows.

1990年12月24日

- As to argument “*I am withdrawing all these claims and presenting new claims below.*” it is not clear to the Examiner which claims the applicant is withdrawing and replacing. If the applicant is amending/cancelling/replacing claims, the applicant is required to follow MPEP § 714 or 37 CFR 1.121. There are no new claims submitted on 03/16/2007 with the remark. Therefore claims 13-24 are currently pending.
- As to argument “I am acting Pro Se in this case”, the Office record proves that the inventor/applicant already filed a power of attorney to prosecute/act on his or her behalf under MPEP 601.02 or CFR § 1.31.

Regarding argument “I realize the specification may need to be changed in its layout with various headings. Is there a correct way to do this, such as deleting parts of the specification, adding titles, etc?” argument is not persuasive because the previous office action, on pages 2-3, provided clear information as to how to arrange the specification by referencing 37 CFR 1.77(b). The examiner herein provides MPEP 608.01(a) for further information on how to arrange the specification. Therefore the suggestion to the specification is still maintained and appropriate correction is kindly requested.

Regarding argument “The reference to Kikuchi seems to have a filing date after my own, unless this is incorrect. This seems to be a publication number and I cannot find this by searching the US patent database. Perhaps it has been granted and now has a different number. Also there is

not title to the patent and there are many inventions using the name Kikuchi. This was not in the PCT search report so I don't know what this reference is," argument is not persuasive because:

- The reference Kikuchi is published on July 24, 2003 and has a filing date on May 19, 1999 that is before October 12, 1999 (Application No. PQ 3360). The Office received a certified copy of foreign priority application on only PQ 3360 and the document is in English and also the document satisfies the enablement and description requirement of 35 U.S.C. 112, first paragraph. Therefore the priority is perfected and priority date is granted for the document PQ 3360. No certified copy filed for other two documents PP 9781 and PP 6660. Therefore priority dates, 04/16/1999 (PP 9781) and 10/22/1998 (PP 6660), have not been perfected per 706.02(b). Therefore the applied reference Kikuchi is proper. However, the rejection over the art can be overcome by applicant perfecting the priority for other two documents (PP 9781 and PP 6660) as detailed in 706.02(b). The following provides more information on priority date requirement: (706.02(E), and 1893.03(c)).

"Perfecting a claim to priority under 35 U.S.C. 119(a)-(d) within the time period set in 37 CFR 1.55(a)(1) or filing a grantable petition under 37 CFR 1.55(c). See MPEP § 201.13. The foreign priority filing date must antedate the reference and be perfected. The filing date of the priority document is not perfected unless applicant has filed a certified priority document in the application (and an English language translation, if the document is not in English) (see 37 CFR 1.55(a)(3)) and the examiner has established that the priority document satisfies the enablement and description requirements of 35 U.S.C. 112, first paragraph;" (706.02(E))

1893.03(c) [R-6] "The Priority Date, Priority Claim, and Priority Papers for a U.S. National Stage Application
A U.S. national stage application may be entitled to: (A) a right of priority under 35 U.S.C. 119(a) and 365(b) based on a prior foreign application or international application designating at least one country other than the United States; and (B) the benefit of an earlier filed U.S. national application or international application designating the United States pursuant to 35 U.S.C. 119(e) or 35 U.S.C. 120 and 365(c).
I. RIGHT OF PRIORITY UNDER 35 U.S.C. 119(a) and 365(b)
Pursuant to 35 U.S.C. 365(b) a U.S. national stage application shall be entitled to a right of priority based on a prior foreign application or international application designating at

least one country other than the United States in accordance with the conditions and requirements of 35 U.S.C. 119(a) and the treaty and the PCT regulations. See in particular PCT Article 8 and PCT Rules 4.10 and 26 bis. To obtain priority in the U.S. national stage application to such applications, the priority must have been timely claimed in the international stage of the international application. See 37 CFR 1.55(a)(1)(ii). If priority was properly claimed in the international stage of the international application, the claim for priority is acknowledged >(subject to the paragraph below)< and the national stage application file is checked to see if the file contains a copy of the certified copy of the priority document submitted to the International Bureau.

> International applications filed on or after April 1, 2007 are subject to amended PCT Rules permitting restoration of a right of priority. See MPEP § 1828.01. Consequently, international applications filed on or after April 1, 2007 may claim priority to a foreign application filed more than 12 months before the filing date of the international application. While such priority claims are permitted in the international stage, the right of priority will not be effective in the U.S. national stage, as 35 U.S.C. 119(a) does not permit a priority period that exceeds 12 months.<

If the priority claim in the national stage application is to an application, the priority of which was not claimed in the international stage of the international application, the claim for priority must be denied for failing to meet the requirements of the Patent Cooperation Treaty, specifically PCT Rule 4.10.

For a comparison with 35 U.S.C. 119(a)-(d) priority claims in a national application filed under 35 U.S.C. 111(a), see MPEP § 1895.01.

II. THE CERTIFIED COPY

The requirement in PCT Rule 17 for a certified copy of the foreign priority application is normally fulfilled by applicant providing a certified copy to the receiving Office or to the International Bureau or by applicant requesting the receiving Office to prepare and transmit the priority document to the International Bureau if the receiving Office issued the priority document. Pursuant to PCT Rule 17.1(a)-(b), applicant must submit the certified copy, or request the receiving Office to prepare and transmit the certified copy, within 16 months from the priority date. Where applicant has complied with PCT Rule 17, the International Bureau will **>forward a copy of the certified priority document to each Designated Office that has requested such document with an indication that the priority document was submitted in compliance with the rule and the date the document was received by the International Bureau. This indication may be in the form of either a cover sheet attached to the copy of the priority document or a WIPO stamp on the face of the certified copy.< The U.S. Patent and Trademark Office, as a Designated Office, will normally request the International Bureau to furnish the copy of the certified priority document upon receipt of applicant's submission under 35 U.S.C. 371 to enter the U.S. national phase. The copy from the International Bureau is placed in the U.S. national stage file. The copy of the **>priority document received from the International Bureau with either of the indications above< is acceptable to establish that applicant has filed a certified copy of the priority document. The examiner should acknowledge in the next Office action that the copy of the certified copy of the foreign priority document has been received in the national stage application from the International Bureau." (1893.03(c))

Regarding argument "I cannot respond to the arguments against my claims until I know what this

Kikuchi reference is. I will try and work out what it is and if I find out before this reaches the examiner I will respond in more detail." the examiner hopes every single doubts by the Pro Se is addressed but if there is any more question, the examiner can also be reached at 571 272 3867.

Regarding argument "Claim 24 is withdrawn, according to the objection about York, I believe though this claim should be numbered 12. I realize that this is not the correct way to list a withdrawn claim, but until I find out what this Kikuchi reference is and the correct numbering it is difficult to list the claims properly." argument is not persuasive because:

- As to withdrawing claim 24, if the applicant is trying to withdraw the claim, it is required that the applicant follows MPEP § 714 or 37 CFR 1.121. No claims have been submitted with the response on 03/16/2007 and/or no claims are marked as canceled. Therefore, as of today (August 10, 2009), claims 13-24 are pending and claims 1-12 are cancelled.
- As to "I believe though this claim should be numbered 12," the examiner thinks the pending claim 24 recites similar limitation as cancelled claim 12.

Specification

8. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

(d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(c) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 13-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikuchi

(Pup. No.: U.S. 2003/0137994 A1).

As per claim 13, Kikuchi teaches a method of compressing data including the steps of providing a first package of data (Page 1 par. 0002),

ordering the package of data into a plurality of groups of data comprising a plurality of characters (Fig. 3A, 3B, and 4B),

identifying predetermined patterns of characters from the plurality of patterns of characters (Page 4 par. 0063),

storing the location of each predetermined pattern of characters in memory (Page 1 par. 0020),

performing a further mathematical operation on the plurality of patterns of characters to produce a further plurality of patterns of characters (Page 4 par. [0071-0072]),

identifying further predetermined patterns of characters from the further plurality of patterns of characters (Page 4 par. [0072-0073]),

storing the location of each further predetermined pattern of characters in memory (Page 1 par. 0020),

processing each mathematical operation performed with the location of stored predetermined patterns and further predetermined patterns and producing a second package of data of a reduced number of characters which second package of data includes the number and type of mathematical operations performed (Page 4 par [0067-0072]),

the location of stored predetermined patterns and further predetermined patterns and after which mathematical operation then occurred, whereby the first package of data is retrievable from the second package of data (Abstract).

As per claim 14, Kikuchi teaches the method, further comprising the step of ordering the first package of data into a plurality of groups of data comprising a plurality of numbers (Page 4 par. [0069-0072], Fig. 3A, 3B, and 3C).

As per claim 15, Kikuchi teaches the method, further comprising the step of representing each predetermined pattern by a symbol of reduced number of characters (Page 4 par. 0073).

As per claim 16, Kikuchi teaches the method, further comprising the step of removing each predetermined pattern of numbers from the plurality of patterns of numbers and storing each predetermined pattern of numbers as a symbol with an associated address and associated number representing the number of mathematical operations that occurred prior to the predetermined pattern of numbers being removed (Page 1 par. 0020, Fig. 3A, 3B, and 3C).

As per claim 17, Kikuchi teaches the method, further comprising the step of inserting a symbol representing a particular predetermined pattern in a group of data having a predetermined pattern of characters (Page 1 par. 0015, page 4 par. 0063).

As per claim 18, Kikuchi teaches the method, further comprising the step of producing predetermined patterns of numbers after each mathematical operation are stored in a look-up table whereby they can be retrieved in reverse order of entry into the Look-up table (Page 4 par. 0070).

As per claim 19, Kikuchi teaches the method, wherein the mathematical operation further comprises the step of subtracting a predetermined number from each group of characters (Page 4 par. 0067).

As per claim 20, Kikuchi teaches the method, wherein the mathematical operation further comprises the step of comparing each group of numbers with a predetermined number and producing a number that is the difference (Page 3 par. 0058-page 4 par. 0059).

As per claim 21, Kikuchi teaches the method, wherein the further mathematical operation further comprises the step of sorting each group of numbers after predetermined patterns of number have been stored, the sorting being in accordance with predetermined criterion (Page 1 par. 0020).

As per claim 22, Kikuchi teaches the method, wherein the further mathematical operation further comprises shuffling groups of characters in accordance with a predetermined transformation (Fig. 3A, 3B, and 3C).

As per claim 23, Kikuchi teaches the method, wherein the mathematical operation further comprises a transformation step whereby characters at predetermined positions are grouped together (Page 3 par. 0058-page 4 par. 0059).

11. Claim 24 is rejected under 35 U.S.C. 102(e) as being anticipated by York (Patent No.: US 6,711,709 B1).

As per claim 24, York teaches a method of encrypting data including the step of providing a package of data (Abstract, Fig. 5),

performing a mathematical operation on the package of data to create groups of data comprising a plurality of patterns of characters (Col. 5 lines 65-col. Col. 6 lines 67, Fig. 6 A-F),

identifying predetermined patterns of characters from the plurality of patterns of characters (Col. 8 lines 37-64),

storing in memory the mathematical operation performed and the location of each predetermined pattern of characters (Col. 4 lines 30-67),

repeating the steps a predetermined number of times to produce an encrypted package of data (Col. 5 lines 35-67).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELENI A. SHIFERAW whose telephone number is (571)272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eleni A Shiferaw/
Examiner, Art Unit 2436